

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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February 16, 2022

BY ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

RE: United States v. Michael Avenatti
19 Cr. 374 (JMF)

Dear Judge Furman:

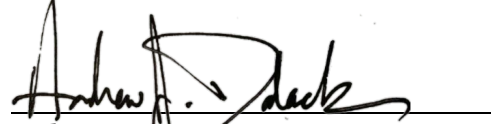
We write as standby counsel for Michael Avenatti in the above-captioned case to respectfully request that the Court assign Mr. Avenatti counsel from the Criminal Justice Act (CJA) panel to represent him moving forward at sentencing and for the purpose of any post-trial motions. We respectfully submit that assignment of CJA counsel is warranted because a conflict of interest exists with the Federal Defenders of New York, in part due to Mr. Avenatti's statements about our representation at the time he sought leave to proceed pro se.

As the Court is aware, Mr. Avenatti is currently incarcerated and this application is made at his request. Mr. Avenatti submits that it is impossible for him to effectively represent himself in this matter going forward due to his incarceration, which substantially interferes with his ability to review trial records, conduct legal research, collect/assemble mitigation materials, and prepare a meaningful sentencing submission.

Specifically, we have spoken with Benjamin Silverman, a member of the CJA panel in the Southern District of New York and who represents Mr. Avenatti for the purposes of post-trial motions in the Nike-related matter before Judge Paul G.

Gardephe (19 Cr. 373 (PGG)).¹ Mr. Silverman's familiarity with some of the issues to be addressed at sentencing will likely facilitate an efficient transition of counsel and avoid any unnecessary delay in the sentencing hearing. Lastly, we respectfully submit that Mr. Avenatti remains indigent and continues to remain eligible for court-appointed counsel.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert M. Baum", is written over a horizontal line.

Robert M. Baum, Esq.

Andrew J. Dalack, Esq.

Tamara L. Giwa, Esq.

Assistant Federal Defenders

Cc: Government Counsel

Counsel for Michael Avenatti

¹ As the defense previously informed the Court by letter on June 8, 2021, a non-family-member acquaintance of Mr. Avenatti paid legal fees directly to Mr. Silverman for the purpose of assisting Mr. Avenatti in perfecting post-trial motions in the Nike-related matter. None of these monies ever belonged to Mr. Avenatti and the payment was a purely gratuitous, one-time payment unrelated to this case.